

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Criminal Action No. 06-00020-02-CR-W-GAF

v.

KENNEDY IGBOKWE,

Defendant.

MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE

PENDING CHARGE: Defendant is charged in Counts 1, 6-33 and 35. Count I alleges health care fraud under 18 U.S.C. § 1347 in connection with billing Medicare for power wheelchairs and power scooters. Counts 2-24 allege that the defendant structured currency transactions to evade reporting requirements in violation of 31 U.S.C. §§ 5324(a)(3) and 5322(a). Counts 25-33 allege money laundering in violation of 18 U.S.C. § 1957. Count 35 seeks criminal forfeiture of real estate, vehicles and bank funds.

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Gene Porter

Case Agent: Special Agents Rebecca Wiles and Brian Hill

Defense: Bruce Simon for defendant Igbokwe

OUTSTANDING MOTIONS: Government's Motion in Limine to Exclude Evidence or Testimony of Accurate Billings, doc. # 133, responded to by defendant in doc. # 150; Defendant's Motion in Limine, doc. # 141, responded to by the government in doc. # 149.
(Documents # 107 and 140 are moot)

TRIAL WITNESSES:

Government: 20 with stipulations, which have been signed

Defendant: In addition to those witnesses listed on the government's witness list the defendant may testify.

TRIAL EXHIBITS

Government: 50 exhibits

Defendant: 0 exhibits for defendant

DEFENSES: General Denial

POSSIBLE DISPOSITION:

(x) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 5 days

Government's case including jury selection: 3- 3 ½ days

Defense case: 1- 1 ½ days

STIPULATIONS: The parties have signed and filed their stipulations

UNUSUAL QUESTIONS OF LAW: On August 9, 2006, government counsel filed a Notice of Variance Between Indictment and Trial Proof. Defense counsel does not believe this issue will create a problem at trial.

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, August 23, 2006

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: Government's Motion in Limine to Exclude Evidence or Testimony of Accurate Billing (doc #133);
Defendant's Motion In Limine (doc #141)

TRIAL SETTING: Criminal jury trial docket commencing August 28, 2006.

Please note: The case may take up to five days, and thus, should probably be set the first week of the docket.

IT IS SO ORDERED.

_____/s/_____
SARAH W. HAYS
United States Magistrate Judge